

IN RE: PETITION FOR ZONING VARIANCE
W/S Hillmere Road, 130' N of
the c/l of Yataruba Drive
(3482 Hillmere Road)
2nd Election District
2nd Councilmanic District
Rose M. Cooper
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-336-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front yard setback of 17 feet in lieu of the required 25 feet for a porch enclosure in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was David Walenga with Patio Enclosures, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 3482 Hillmere Road, consists of 5,850 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling which has been Petitioner's residence for the past 16 years. Petitioner is desirous of constructing an unheated porch enclosure on the front of the existing dwelling to provide more habitable space. Testimony indicated the steps at the front entrance to the dwelling are beyond repair and must be reconstructed. Due to the location of the existing improvements on the lot and the layout of the dwelling, the proposed location for the porch enclosure was selected to avoid interruption or major alterations to the existing floor plan of the dwelling. Testimony indicated Petitioner has spoken with the adjoining property owners who indicated they have no objections to her plans. Testimony further indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of March, 1990 that the Petition for Zoning Variance to permit a front yard setback of 17 feet in lieu of the required 25 feet for a porch enclosure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 12, 1990

Ms. Rose M. Cooper
3482 Hillmere Road
Gwynn Oak, Maryland 21207

RE: PETITION FOR ZONING VARIANCE
W/S Hillmere Road, 130' N of the c/l of Yataruba Drive
(3482 Hillmere Road)
2nd Election District - 2nd Councilmanic District
Rose M. Cooper - Petitioner
Case No. 90-336-A

Dear Ms. Cooper:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

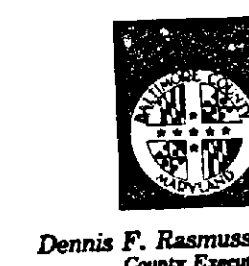
Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

January 23, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-336-A
W/S Hillmere Road, 130' N of c/l of Yataruba Road
3482 Hillmere Road
2nd Election District - 2nd Councilmanic
Petitioner(s): Rose Marie Cooper
HEARING: WEDNESDAY, MARCH 7, 1990 at 2:00 p.m.

Variances To permit a front yard depth of 17 feet in lieu of the required 25 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period, the Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Rose Marie Cooper
Patio Enclosures, Inc.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-336-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section III.C.2. (1985 regulations).

To permit a front yard depth of 17 feet in lieu of the required 25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise.
4. A place to sit out and not be concerned with the weather, bugs, mosquitoes, flies, etc.
5. Approve appearance of house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

City and State

Attorney's Telephone No.:

Address

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day

of 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 105, County Office Building in Towson, Maryland

County, on the 7 day of March, 1990 at 2 o'clock

P.M.

(over)

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-336-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section III.C.2. (1985 regulations).

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(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

City and State

Attorney's Telephone No.:

Address

City and State

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Commissioner of Baltimore County in Room 105, County Office Building in Towson, Maryland

County, on the 7 day of March, 1990 at 2 o'clock

P.M.

(over)

LEGAL DESCRIPTION OF PROPERTY

BEGINNING ON THE WEST SIDE OF HILLMERE ROAD, 50 FEET WIDE, AT THE DISTANCE OF 130 FEET, NORTH OF THE CENTERLINE OF YATARUBA ROAD.

BEING KNOWN AND DESIGNATED AS LOT NO. 246 AS SHOWN ON THE PLAT OF SECTION A, SUNRISE CEDARS ADDITION AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK G.L.B. 18 FOLIO 21. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 3482 HILLMERE ROAD.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 3/2/90

Rose Marie Cooper
3482 Hillmere Road
Gwynn Oak, Maryland 21207

Re: Petition for Zoning Variance
CASE NUMBER: 90-336-A
W/S Hillmere Road, 130' N of c/l of Yataruba Road
3482 Hillmere Road
2nd Election District - 2nd Councilmanic
Petitioner(s): Rose Marie Cooper
HEARING: WEDNESDAY, MARCH 7, 1990 at 2:00 p.m.

Dear Petitioner:

Please be advised that \$ 99.31 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

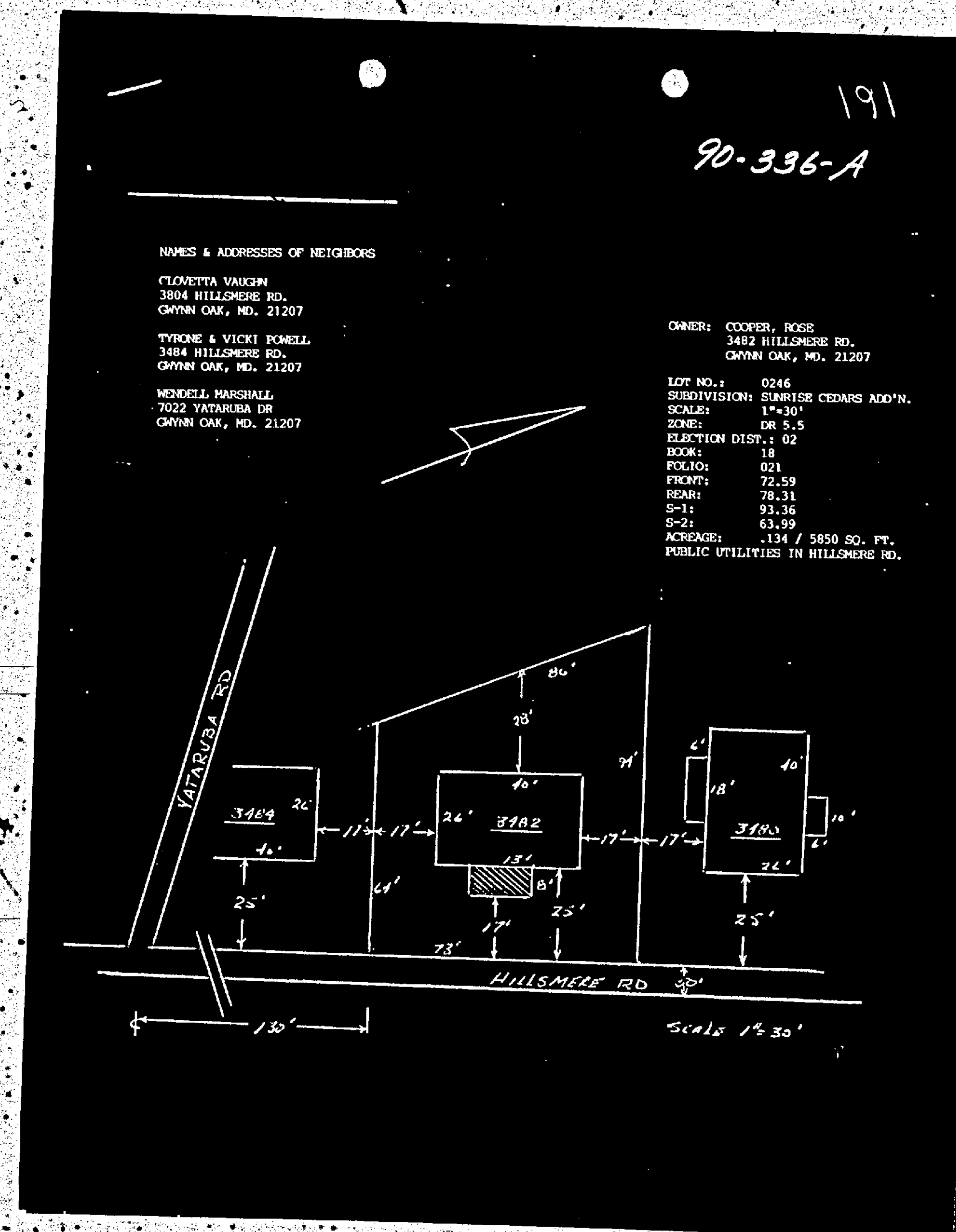
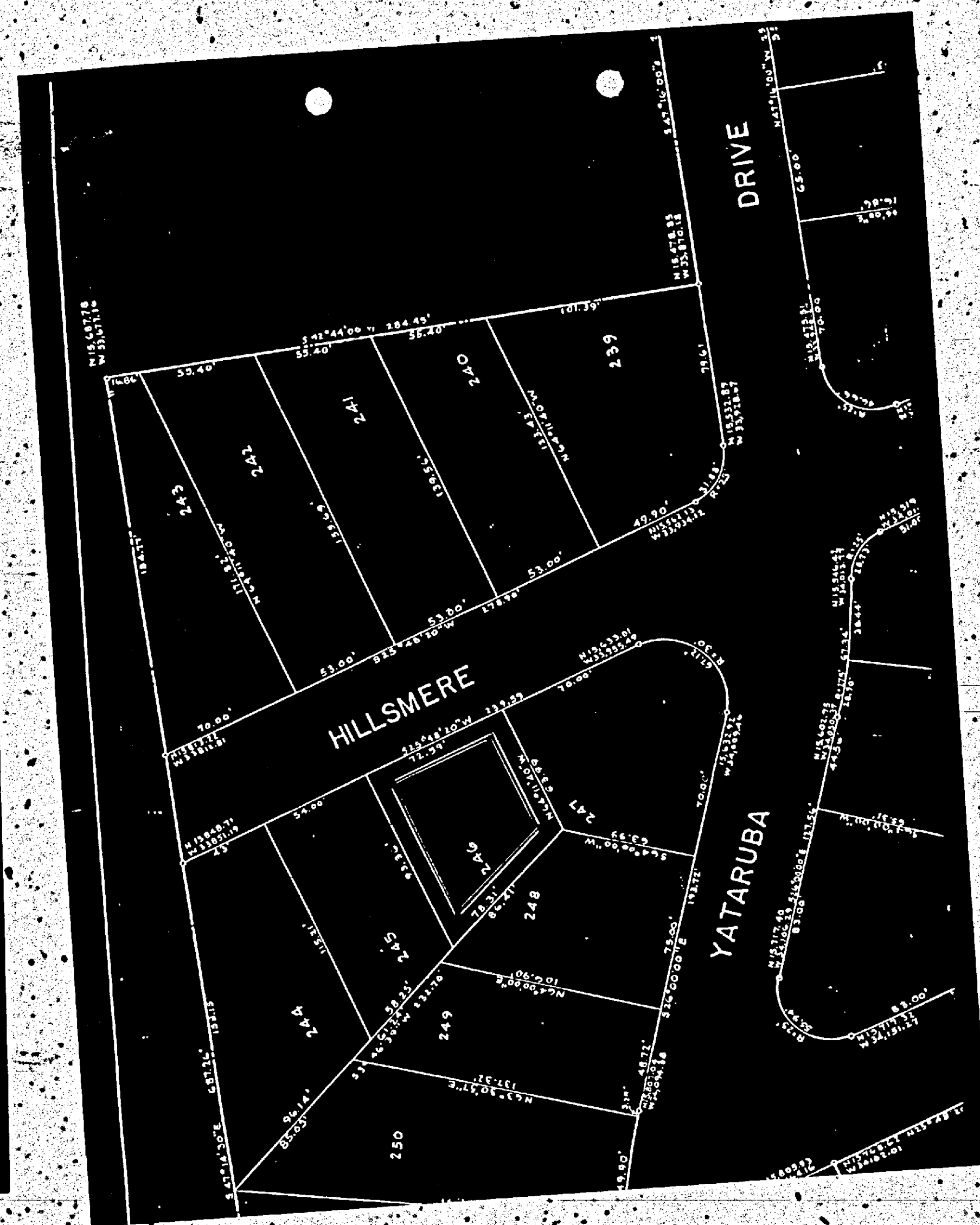
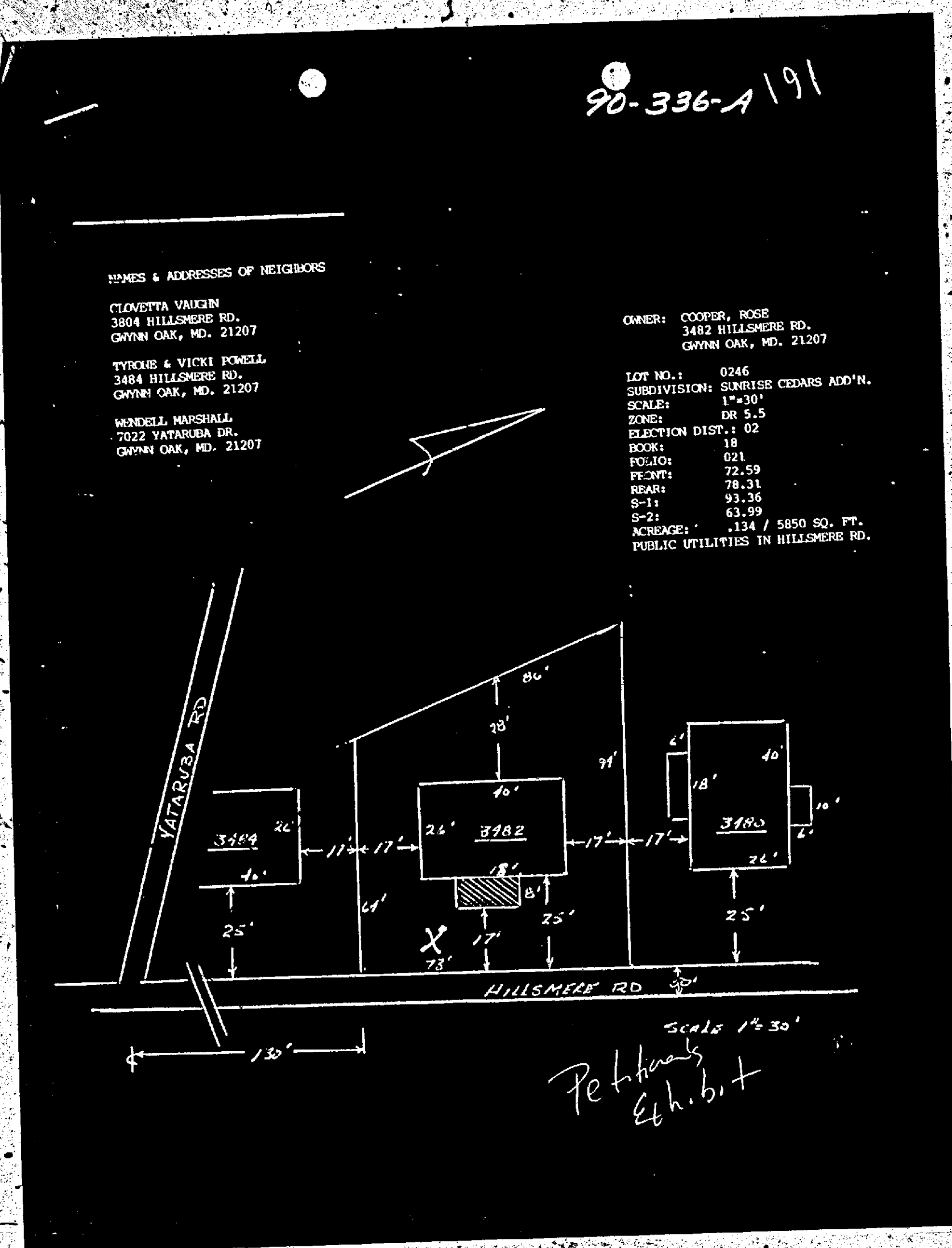
Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
ZONING COMMISSIONER

cc: File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: B-001-6150
Receipt
No. 630

Date: 12/11/89

H9000191

	QTY	PRICE
PUBLIC HEARING FEES	1	\$35.00
010 - ZONING VARIANCE (IRL)	1	\$35.00
TOTAL:		\$70.00

LAST NAME OF OWNER: COOPER

Cashier Validation: B 8043*****25U01a 2124F

Please make checks payable to: Baltimore County

NOTICE OF HEARING

The Zoning Commission of Baltimore County, Maryland, is hereby giving notice that it will hold a public hearing on the application for a Zoning Variance, Case No. 90-336-A, at the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland, on Wednesday, February 8, 1990, at 7:00 P.M.

Variance: To permit a front yard depth of 17 feet in lieu of the required 25 feet.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 8, 1990.

THE JEFFERSONIAN,
S. Z. He Orkin
Publisher

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: B-001-6150
Receipt
No. 1618

Date: 3/07/90

90-336

10000512

	QTY	PRICE
PUBLIC HEARING FEES	1	\$35.00
010 - POSTING SIGNS / ADVERTISING	2	\$59.00
TOTAL:		\$94.00

LAST NAME OF OWNER: COOPER

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: 2-12-90

District: 2nd

Posted for: V. Cooper

Petitioner: Rose Marie Cooper

Location of property: W/S Hillsmere Road, 130' N of the S/E of Yataruba Road (3482 Hillsmere Road)

Location of Sign: Close front of 3482 Hillsmere Road

Remarks: 1-2 Post

Posted by: [Signature]

Number of Signs: 2

Date of return: 2-16-90



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 20, 1990



Dennis F. Rasmussen
County Executive

Ms. Rose Marie Cooper
3482 Hillsmere Road
Gwynn Oak, MD 21207

RE: Item No. 191, Case No. 90-336-A
Petitioner: Rose Marie Cooper
Petition for Zoning Variance

Dear Ms. Cooper:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
27th day of December, 1989.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Rose Marie Cooper

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 26, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Rose Marie Cooper, Item 191

The Petitioner requests a Variance to permit a front yard depth of 17 ft. in lieu of the required 25 ft.

In reference to this request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

January 11, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 191, 192, 194, 195, 196 and 197.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED

JAN 26 1990

ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

DECEMBER 29, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

RE: Property Owner: ROSE MARIE COOPER
Location: W/S OF HILLSMERE ROAD
Item No.: 191 Zoning Agenda: DECEMBER 26, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] 12/29/89 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

JAN 09 1990